

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMES ROBERT WHITWORTH**

**PLAINTIFF**

**v.**

**No. 4:05CV92-M-D**

**DR. GEORGE BENFORD, ET AL., ET AL.**

**DEFENDANTS**

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the two Report and Recommendations of the United States Magistrate Judge dated September 21, 2006, were on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the two Report and Recommendations have been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendations should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the two Report and Recommendations of the United States Magistrate Judge dated September 21, 2006, are hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

3. That this case is **CLOSED**.

THIS, the 8<sup>th</sup> day of November, 2006.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**

